

A nonprofit organization formed to compile genealogical research data on its family members in order to perform religious ordinances in accordance with the precepts of the religious denomination to which family members belong is exempt under section 501(c)(3) of the Code.

Advice has been requested whether the nonprofit organization described below qualifies for exemption from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1954.

The organization was founded by members of a particular family. Its articles of organization declare that it is organized exclusively for religious and charitable purposes, including the preservation and study of the genealogical records of the family in order to perform religious ordinances in accordance with the precepts of the religious denomination to which family members belong. Appropriate language in its articles otherwise provides for restriction of the organization to activities not proscribed by section 501(c)(3) of the Code.

As part of the discipline of the Church, the members are encouraged to create family groups to study the genealogy of the family back to Adam and Eve. This is part of a broader program of the Church, apparent in its doctrine to record the names of all deceased persons and to perform baptism and other temple ordinances upon them. Church theology holds that Elders of the Church are preaching to the dead but that salvation can only be effected if the service is performed by the living. The names collected by the family groups are stored in a central location created by the Church and these records will subsequently be the basis for judgment on that last day. The Church tenets provide that deceased ancestors of members may vicariously be accepted into this Church through their living family members.

The organization's primary activity is the compilation of genealogical data on its family members. This data is then forwarded to the Church in order that deceased members who have not received the rites of the religious faith may vicariously be accepted into the religion. Such activity permits members to fulfill their responsibilities of providing for family exaltation as required by the Church. The expenses of genealogical research are financed by membership fees.

Section 501(c)(3) of the Code provides for the exemption from Federal income tax of organizations organized and operated exclusively for charitable purposes.

Section 1.501(c)(3)-1(d)(1)(ii) of the Income Tax Regulations provides that an organization is not organized or operated exclusively for one or more of the purposes specified in sub-division (i) of this subparagraph unless it serves a public rather a private interest.

Section 1.501(c)(3)-1(d)(2) of the Income Tax Regulations includes in its definition of the term 'charitable' the advancement of religion.

Trusts to support a large variety of religious faiths have been declared charitable. Furthermore, it has become generally established in American case law that trusts and bequests for masses and other religious services are charitable. For example, in nearly all American states where the question has arisen, a trust to spend capital or income for masses for the soul of the testator, his relatives, the souls of other definite persons, the souls of a class of deceased persons, or the souls of deceased persons indefinitely, no matter of what duration the trust may be, will undoubtedly be upheld as a charitable trust for religious uses. Since the trust is charitable because it benefits the living spiritually, it cannot matter whether the deceased to be benefitted are definite or indefinite persons. Nor would it seem important whether the masses must be said publicly, or might be said wholly or in part in private. This would merely affect the amount of public spiritual benefit. Bogert 'Trusts and Trustees' (2nd Ed. 1966), sec. 376.

Similarly, a legacy for the purpose of keeping the Yahrzeit for certain individuals under the Jewish religion has been held to be a 'bequest for religious uses' which neither the statute against perpetuities nor the uncertainty of beneficiaries can defeat. In *re Steiners Estate*, 16 N.Y.S.2d 613, (1939).

The subject organization does not provide funds to a church, but compiles and furnishes genealogical information that the church needs in order to conduct certain religious ordinances in accordance with basic religious doctrine of the church. Without the services performed by the organization, these religious rites could not be conducted. While genealogical research may not ordinarily be carried on for religious uses and purposes, it is carried on for such uses and purposes by the organization.

The law of charity generally recognizes that the saying of mass or the conduct of similar religious observances under the tenets of a particular religion are of a spiritual benefit to all the members of the faith and to the general public. Any private benefit to a given family or individual that may result is regarded as merely incidental to the general public benefit that is served. Therefore, the subject organization is similarly accomplishing a charitable purpose by engaging in an activity that advances religion.

Accordingly, it is held that the organization is exempt from Federal income tax under section 501(c)(3) of the Code.

Even though an organization considers itself within the scope of this Revenue Ruling, it must file an application on Form 1023, Exemption Application, in order to be recognized by the Service as

exempt under section 501(c)(3) of the Code. The application should be filed with the District Director of Internal Revenue for the district in which is located the principal place of business or principal office of the organization. See section 1.501(a)-1 of the regulations.